

*Jennifer Louise Jenkins, Administrator ad Litem of the Estate of Sterling L. Higgins
v. Obion County, Tennessee, et al.*

No. 20-cv-01056 STA-dkv

Exhibit 4
Excerpts from the Deposition of Waylon Spaulding

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JENNIFER LOUISE JENKINS,)
Administrator *ad Litem* of the)
ESTATE OF STERLING L. HIGGINS,)
)
 Plaintiff,)
)
 v.) CIVIL ACTION NO.
) 1:20-cv-01056-STA-dkv
OBION COUNTY SHERIFF'S)
DEPARTMENT; OBION COUNTY,)
TENNESSEE; UNION CITY POLICE)
DEPARTMENT; UNION CITY,)
TENNESSEE; ROBERT THOMAS)
ORSBORNE, Individually; MARY)
BROGLIN, Individually; WAYLON)
SPAULDING, Individually; and)
BRENDON SANFORD, Individually,)
)
 Defendants.)

THE VIDEOTAPE DEPOSITION OF OFFICER WAYLON SPAULDING

October 26, 2020

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Jackson, Tennessee 38303
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1 aware that he was there until he was eventually taken
2 away on a stretcher.

3 MR. MAULDIN: Object to the form.

4 A Okay. So if I remember correctly, Officer Travis
5 was on the control board, and I was in F pod, finishing
6 up a pod check. And she come over the radio and said
7 Union City was bringing in one black male.

8 So I finish my pod check, and I turn around and go
9 to head out the door, and I shut the doors behind me.
10 And I walk into booking -- sorry -- and I believe I
11 walked behind the counter to get some gloves. Then I
12 started down towards door 10, where Mr. Higgins was
13 being walked through the door.

14 Well, he didn't want to come in that door because
15 he thought Officer Brogglin was going to shoot him
16 because I do remember that he was saying she had a gun.
17 And he was pushing against Officer Orsborne, trying to
18 go back through the door. So Officer Orsborne
19 stiffened up and got him inside the door.

20 Well, once he come in the door, he lunged and went
21 after Officer Brogglin. Well, the first time she
22 moved, but the second time somehow he got a handful of
23 her hair. And that's when I -- that's when I got
24 there, and I grabbed Mr. Higgins and telling him, "Let
25 her go. Hey, you know, turn loose of her. Let her

1 his body, do you -- do you recall, after he was -- as
2 he was being put over to the restraint chair?

3 A No, sir, other than his legs being locked out
4 stiff, and me and Brendon were both holding an arm.

5 Q How long did it take you to strap Mr. Higgins into
6 the restraint chair?

7 MR. MAULDIN: Object to the form.

8 A I -- I don't know exactly.

9 Q (By Mr. Budge) What's your best estimate?

10 A I'd say within 5, 7 minutes, maybe.

11 Q Was Mr. Hudg -- Mr. Higgins handcuffed behind his
12 back during these events you described?

13 A Yes, sir, he was.

14 Q The whole time?

15 A Until we put him in the restraint chair.

16 Q How many times did Mr. Higgins spit?

17 A I don't know exactly.

18 Q What's your best estimate?

19 A I would say at least two to three times, I would
20 say.

21 Q Were you injured in any way?

22 A No, sir. I landed on my knee when I hit the
23 floor. Other than that being a little sore, but I
24 don't really consider that being injured.

25 Q To the very best of your ability, when exactly in

1 the course of events did Mr. Higgins spit at you?

2 MR. MAULDIN: Object to the form.

3 A It -- it wasn't long after he had got to the wall
4 and stopped than when I was going over to him. It
5 wasn't long after that, the best of --

6 Q (By Mr. Budge) So --

7 A -- my recollection.

8 Q So when Mr. Higgins spit at you, was he still
9 standing?

10 A No, sir. He was laying down on his back.

11 Q Okay. So it was -- it was very soon after he was
12 on the floor on his back that he spit at you?

13 A Yes, sir.

14 Q Within, let's say, 30 seconds of going to the
15 floor, would you say?

16 MR. MAULDIN: Object to the form.

17 A Within 30 seconds? I think that might have been a
18 little soon. It might have been within a -- a minute
19 or however long it took him to get over to the wall
20 because it -- he didn't -- I don't think he spit until
21 we got to the wall, or if he did, I didn't see it.

22 Q (By Mr. Budge) All right. So, best estimate,
23 maybe Mr. Higgins spit at you within about a minute of
24 the time he went on the ground and as he got to the
25 wall?

1 A Yes, sir. I would --

2 MR. MAULDIN: Object to the form.

3 A I would say that would be a safe estimate.

4 Q (By Mr. Budge) And then you say he spit on you
5 maybe two to three times? Is that right?

6 MR. MAULDIN: Object to the form.

7 A I believe so, yes, sir.

8 Q (By Mr. Budge) And was that in quick succession,
9 like spit and then spit again and then maybe spit
10 again?

11 A (The witness nodded.)

12 Um-hum.

13 Q Meaning that those times where you say that he
14 spit on you would happen within just a couple seconds
15 of each other?

16 A Yes, sir. As soon as he could get some more spit
17 in his mouth, it was -- he was spitting again.

18 Q Okay. So after about a minute or so of going to
19 the ground, did he ever spit on you again?

20 MR. MAULDIN: Object to the form.

21 A Not -- not after those first few initial times,
22 no.

23 Q (By Mr. Budge) And is it fair to say that within
24 about a minute or so of going to the ground Mr. Higgins
25 did not spit on you again, just so we have it clear?

1 MR. MAULDIN: Object to the form.

2 A Correct.

3 Q (By Mr. Budge) Do you think that Mr. Higgins was
4 knowingly and voluntarily spitting on you, or is it
5 possible that he did it in -- unintentionally or
6 without knowing what he was doing, or do you -- do you
7 know?

8 MR. MAULDIN: Object to the form.

9 A I mean, there's -- there's no way to know for
10 sure, but I feel like he knew, but I -- I couldn't -- I
11 couldn't say 100 percent.

12 Q (By Mr. Budge) Do you recall Mr. Higgins saying
13 anything to you at any time?

14 A To me personally? I don't remember anything.

15 Q Do you remember you saying anything to him, that
16 is, did you say anything to Mr. Higgins that you
17 remember at any point in time?

18 A Other than telling him to let go of
19 Officer Brogglin, not that I recall, no, sir.

20 Q After Mr. Higgins spit at you, did you tell him
21 that he was going to regret it, or words to that
22 effect?

23 MR. MAULDIN: Object to the form.

24 A No, sir, not that I recall.

25 Q (By Mr. Budge) Do you think that's something that

1 Q And in this paused image, can we see Mary Brogglin
2 is pointing with her right hand?

3 A Yes, sir.

4 Q And can we see that Union City Police Officer
5 Orsborne is in the lower right-hand corner of the
6 screen?

7 A Yes, sir.

8 Q And can we also see that you are near the top of
9 the screen, starting to make your way down the hallway?

10 A Yes, sir.

11 Q And why were you coming down the hallway at this
12 point in time?

13 MR. MAULDIN: Object to the form.

14 A To help escort Mr. Higgins in case anything went
15 south.

16 Q (By Mr. Budge) As far as you were concerned, was
17 this just a routine intake at this point in time?

18 A Yes, sir. It was just a -- a normal thing.

19 Q All right. I'm going to play and pause it to
20 1:46 a.m. and 24 seconds.

21 (The video was resumed and paused.)

22 Q (By Mr. Budge) Now, do you see the paused image
23 at 1:46 a.m. and 24 seconds?

24 A Yes, sir.

25 Q And in this paused image, can you see that there's

1 a physical altercation going on between Sterling
2 Higgins and Officer Brogglin?

3 MR. MAULDIN: Object --

4 A Yes.

5 MR. MAULDIN: -- to the form.

6 A Yes, sir.

7 Q (By Mr. Budge) And can we see that Union City
8 Police Officer Orsborne is standing right there just a
9 few feet away?

10 A Yes, sir.

11 Q And can we see that you're nearing the site of
12 the -- the altercation with the hat on, putting some
13 blue gloves on?

14 A Yes, sir.

15 Q And you're wearing green pants and a black top; is
16 that right?

17 A Yes, sir.

18 Q And what is your purpose in coming to a physical
19 altercation at this point in time?

20 MR. MAULDIN: Object to the form.

21 A To help Officer Brogglin.

22 Q (By Mr. Budge) And was it the case that although
23 Sterling Higgins was able to grasp Ms. Brogglin that
24 his hands were indeed handcuffed behind his back?

25 A Yes, sir, he was.

1 Q All right. I'm going to play and pause it to
2 1:46 a.m. and 28 seconds.

3 (The video was resumed and paused.)

4 Q (By Mr. Budge) I have now -- the -- the portion
5 that I paused at 1:46 a.m. and 28 seconds, what's
6 happened here?

7 A That's --

8 MR. MAULDIN: Object to the form.

9 A That's when I was telling Mr. Higgins to let Mary
10 go.

11 Q (By Mr. Budge) Was this about the point in time
12 that you took Mr. Higgins to the ground, or did that
13 come later?

14 MR. MAULDIN: Object to the form.

15 A It comes later.

16 Q (By Mr. Budge) All right. I'm going to play and
17 pause it to 1:46 a.m. and 55 seconds.

18 (The video was resumed and paused.)

19 Q (By Mr. Budge) In this paused image at 1:46 a.m.
20 and 55 seconds, can we see Union City Police Officer
21 Osborne and Officers Sanford and Brogglin looking at
22 the ground?

23 A Yes, sir.

24 Q And by this point in time, do you have Sterling
25 Higgins on the ground?

1 A Yes --

2 MR. MAULDIN: Object to the form.

3 A Yes, sir. He had fell to the ground.

4 Q (By Mr. Budge) All right. So by -- by at least
5 1:46 a.m. and 55 seconds, you and Mr. Higgins are on
6 the ground together; is that right?

7 A Yes, sir.

8 Q Did anybody use any type of, like, leg squeeze or
9 any other type of maneuver or technique to take
10 Mr. Higgins to the ground, or did he just basically
11 slip and fall?

12 A No, sir. He fell.

13 Q He fell down?

14 A Yes, sir.

15 Q Did Union City Police Officer Orsborne do anything
16 to take him to the ground?

17 A No, sir.

18 MR. MAULDIN: Object to the form.

19 Q (By Mr. Budge) I'm sorry. I didn't catch the
20 answer.

21 A No, sir, he didn't.

22 Q And, just for the record, Union City Police
23 Officer Orsborne is the one with the patch on the right
24 shoulder?

25 A Yes, sir.

1 1:47 a.m. and 5 seconds.

2 (The video was resumed and paused.)

3 Q (By Mr. Budge) And do you see the paused image on
4 the screen at 1:47 a.m. and 5 seconds?

5 A Yes, sir.

6 Q And in this image, can we see Union City Police
7 Officer Orsborne standing and looking at the ground
8 with a green sack in his left hand?

9 A Yes, sir.

10 Q What can you tell me about what's happening on the
11 ground at this point in time?

12 MR. MAULDIN: Object to the form.

13 A It's -- it's the same thing, just trying to
14 contain Mr. Higgins.

15 Q (By Mr. Budge) Were you having a lot of trouble
16 containing Mr. Higgins at this point in time?

17 MR. MAULDIN: Object to the form.

18 A I mean, he was just trying to get away from me.

19 Q (By Mr. Budge) Were you having a lot of trouble
20 containing Mr. Higgins at this point in time?

21 MR. MAULDIN: Object to the form.

22 A No, sir, not -- not really.

23 Q (By Mr. Budge) You -- you pretty much had control
24 over him; is that correct?

25 MR. MAULDIN: Object to the form.

1 A I -- I would say it was -- it was close. I -- I
2 couldn't give you exact because I can't see.

3 Q (By Mr. Budge) Well, if -- if you were having a
4 lot of difficulty containing Mr. Higgins at 1:47 a.m.
5 and 5 seconds, you would expect that Union City Police
6 Officer Orsborne or one of the other two corrections
7 officers there would assist you. Correct?

8 MR. MAULDIN: Object to the form.

9 A Yes, sir, I believe they would have.

10 Q (By Mr. Budge) So is it fair to say that you have
11 Mr. Higgins pretty much under control by 1:47 a.m. and
12 5 seconds?

13 MR. MAULDIN: Object to the form. It's
14 asked and answered numerous times.

15 A I would -- I would say it was close, yes, sir.

16 Q (By Mr. Budge) All right. I'm going to play and
17 pause it at 1:47 a.m. and 36 seconds.

18 (The video was resumed and paused.)

19 Q (By Mr. Budge) So in the paused image on your
20 screen at 1:47 a.m. and 36 seconds, you and Mr. Higgins
21 have already been on the ground for well over a minute.
22 Correct?

23 A Yes, sir.

24 MR. MAULDIN: Object to the form.

25 Q (By Mr. Budge) And so if -- if Mr. Higgins is

1 A Oh. Okay. Yes, sir. I -- I see it now.

2 Q Okay. Do you see where it says "I had, like, one
3 leg on his stomach"?

4 A Yes, sir.

5 Q Did you, in fact, have one leg on Sterling
6 Higgins' stomach as you were over him on the floor?

7 A It was -- it was around his groin area. I don't
8 know if it was all the way on his stomach, but it
9 was -- it was in that general area.

10 Q So is it or is it not the case that you had one
11 leg on his stomach?

12 A I -- I would say in that general area. Yes, sir.

13 Q And how much -- how much weight did you have on
14 him at that time?

15 MR. MAULDIN: Object to the form.

16 A Oh, I -- I don't know, but not all of it.

17 Q (By Mr. Budge) On page 7, beginning on line 23,
18 the transcript reads as follows -- and I'll begin at
19 line 23 and then continue -- "And that's when he went
20 to spit in my face. And after -- after he spit, like,
21 two good times, I guess his mouth got real dry, and he
22 got cotton mouth.

23 "Question: So" he was -- "so was he still trying
24 to spit?

25 "Answer: He tried one more time, but he

1 couldn't -- he couldn't get enough, like, spit to come
2 up to do anything. And he got -- he got kind of
3 quiet."

4 Do you see what I read to you?

5 A Yes, sir.

6 Q Did you tell Special Agent Tubbs in substance that
7 Sterling Higgins spit two good times, but then his
8 mouth got dry, and he tried one more time, but he
9 couldn't do enough -- get enough spit to do anything
10 after spitting twice?

11 MR. MAULDIN: Object to form.

12 A Yes, sir, I did tell him that.

13 Q (By Mr. Budge) Okay. And is that true?

14 A Yes, sir.

15 Q And then the transcript goes on to say "He got
16 kind of quiet." What did you mean by that, if you told
17 Special Agent Tubbs that?

18 A That's when he just started calming down.

19 Q By "calming down," do you mean going still or
20 nearly still?

21 MR. MAULDIN: Object to form.

22 A Yes, sir, kind of.

23 Q (By Mr. Budge) In your interview with Special
24 Agent Tubbs of the TBI, do you think you told him
25 anything about Union City Police Officer Orsborne

1)
2 STATE OF TENNESSEE) **C E R T I F I C A T E**
2)

3 I, Jill A. Schaffer, Registered
4 Professional Reporter and Notary Public for the State
5 of Tennessee, hereby certify that the witness in the
6 foregoing deposition, **OFFICER WAYLON SPAULDING**, was
7 first duly sworn by me, that the testimony of the
8 witness was written stenographically by me, and that
9 such deposition is a true and accurate record of the
10 testimony given by said witness on the 26th day of
11 October, 2020.

12 I further certify that I am neither
13 related to nor employed by any of the parties to this
14 cause of action or their counsel, nor am I financially
15 interested in the outcome of this matter.

16 I further certify that in order for this
17 document to be authentic it must bear my original
18 signature and embossed notarial seal, that reproduction
19 in whole or in part is not allowed or condoned, and
20 that such reproductions are deemed a forgery.

21 Witness my hand and seal at my office on
22 this the 8th day of November, 2020.

23

24 My Commission Expires: Jill A. Schaffer, RPR, TN #375
25 August 25, 2021 Notary Public at Large for the
My License Expires: State of Tennessee
June 30, 2022